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Minutes  
Regular Meeting  
September 23, 2015

Attendance: Mayor Kenneth F. Neilson, Councilmen Garth Nisson, Kress Staheli, Jeff Turek, City Attorney Jeff Starkey, City Manager Roger Carter, Public Works Director Mike Shaw, Community Development Director Drew Ellerman, Police Chief Jim Keith, Deputy Recorder Tara Pentz, Audience: Troy Belliston, Jim Lilywhite, Kathy Lilywhite, Juile Sokoff, Richard Sokoff, Rob Elsnore, Dick Maffitt, Clare Maffitt, Tom Smith, Robert Smith, Lee Ingram, Ben Alba, Kirk Barker, Derek Larson, Karl Larson, Lori Kinsey, Jen Dutson, Nisi Malle, Layne Riley, Les May, Susan May

Excused: Councilman Ronald Truman

Meeting commenced at 6:00 P.M.

**Invocation:** Councilman Turek

**Pledge of Allegiance:** Councilman Nisson

**1. APPROVAL OF THE AGENDA**

*Councilman Staheli made a motion to approve the agenda. Councilman Turek seconded the motion; which passed with the following roll call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

**2. ANNOUNCEMENTS**

Mayor Neilson announced this week is Pine View High School and Desert Hills High School Homecoming Week.

**3. DECLARATION OF ABSTENTIONS & CONFLICTS**

*None*

**4. CONSENT AGENDA**

**APPROVAL OF MINUTES: Consideration to approve the minutes from the City Council Meetings of 8/12/15, 8/26/15, 9/8/15 and 9/9/15.**

*Councilman Turek made a motion to approve the consent agenda. Councilman Nisson seconded the motion; which passed with the following roll call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

**5. PROCLAMATION**

**A. Reading of a Proclamation from the Washington City Youth Council supporting October as “Drug Free” month. Mayor Kenneth Neilson**

Youth Council Mayor William Scoresby reviewed the Proclamation provided by the Youth Council for October being a “Drug Free” month.

**6. FINANCE UPDATE**

**A. Discussion and presentation of the FY 2015 4th Quarter Finance update. Kimberly Ruesch Administrative Services Manager / Roger Carter City Manager**

City Manager Roger Carter briefly explained debt in a governmental setting.

Administrative Services Manager Kimberly Ruesch reviewed the 2015 4th Quarter Finance update.

Councilman Staheli asked where the 11 million dollars contributed to the community center came from.

Administrative Services Manager Ruesch stated approximately 10 million dollars came from the sale of land near the golf course. She then continued her Financial Review.

Council members thanked Staff for their presentation, as well as the departments for maintaining their budgets

**7. JUSTICE COURT**

**A. Update and review of the Washington City Justice Court. Lee Bunnell, Judge**

Judge Lee Bunnell updated Council on the Washington City Justice Court. Every 4 years municipal courts have to be recertified. Washington City will fall within this recertification in the upcoming year. He reviewed the court costs with Council. A resolution will come before Council asking if the Washington City Justice Court meets all of the requirements for recertification. He also would like to note, he feels our current court clerk, Shelly Griffin, is one

of the finest clerks in the entire State. Washington City is very lucky to have her, as she is very progressive in her field.

Councilman Seegmiller asked if the Judge feels the court is fit and ready for recertification.

Judge Bunnell stated he feels everything is in order for recertification.

Mayor Pro-Tem Turek thanked Judge Bunnell for all of his service. Washington City Justice Court has been a great asset to our community.

## **8. PLAT AMENDMENT**

### **A. Consideration to approve the Amendment to the Dennett East Industrial Park, located at approximately 1270 South 1900 East. Applicant: James Jessop**

Community Development Director Drew Ellerman reviewed:

The applicant is requesting approval of an Amended Final plat for the Dennett East Industrial Park subdivision, located at approximately 1900 East 1270 South. The reason for this amendment request, is due to the need to create an access road to a new proposed subdivision which will adjoin to this particular subdivision on its western boundary.

Staff has reviewed the proposed amended final plat and finds it conforms to, and is in compliance with, the Zoning Regulations and Subdivision Ordinance of the City.

The Planning Commission unanimously recommended approval of the Amended Final Plat for the Dennett East Industrial Park subdivision to the City Council, based on the following original findings and subject to the following original conditions:

#### **Findings**

1. The amended final plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the amended final plat conforms to the Washington City Zoning Ordinance and Subdivision Ordinance as outlined.

#### **Conditions**

1. All improvements shall be completed or bonded for prior to recording the final plat.
2. A current title report policy shall be submitted prior to recording the final plat.
3. Any referenced control monuments related to this subdivision shall be in place prior to recordation of the final plat. A stamped and signed letter from a professional land surveyor licensed in the state of Utah that verifies that the referenced control monuments are in place shall be submitted to the Community Development Department for filing prior to plat recordation.
4. Where applicable, in the General Notes where the terms "Home Owners Association", or "Property Owners", shall be changed to read as "Property Owners and/or Home Owners Association".
5. That a post maintenance agreement be recorded prior to the recording of the final plat.

Councilman Staheli asked if everything is in order with drainage.

Community Development Director Ellerman stated everything has been reviewed and the design

approved.

*Councilman Staheli made a motion to approve the Amendment to the Dennett East Industrial Park, located at approximately 1270 South 1900 East with the findings and conditions of Staff and as recommended by the Planning Commission. Councilman Seegmiller seconded the motion; which passed with the following roll call vote:*

Councilman Nisson	Aye
Councilman Seegmiller	Aye
Councilman Staheli	Aye
Mayor Pro-Tem Turek	Aye

## **9. PRELIMINARY PLAT**

### **A. Consideration to approve a Preliminary Plat for the Warner Gateway, located east of Marlberry at approximately 4600 South. Applicant: Corbin Church**

Community Development Director Drew Ellerman reviewed:

This item was tabled during the August 23, 2015 City Council meeting, to have the applicant work on improving the design and lot sizes within the subdivision.

The applicant is requesting approval of a Preliminary plat for the Warner Gateway subdivision, located at approximately 4600 South 1200 East (just east of Marlberry Way of The Meadows at Stucki Farms subdivision). The applicant is wishing to develop 157 (the original proposal was for 162) lots on an area covering 34.84 acres. The location of this particular project is zoned Single-Family Residential - 6,000 Sq. Ft. Min. (R-1-6). *This new proposal, since the tabling of this item, was changing the lots sizes that border The Meadows on the west boundary. The lots were increased to roughly 9550 " " square feet in size. Three lots were eliminated on this west border and another two lots in the area of the continuation of Marlberry Drive portion of the subdivision.*

The proposed subdivision conforms to the subdivision requirements and other city ordinances as it relates to this location. The one problem area of concern to this request, is the fact that there is only one ingress/egress roadway currently available (Marlberry Way) to this proposed subdivision. With that said, staff is requiring that only 30 lots will be able to apply for final plat status until the time that other ingress/egress points will be established as growth occurs to the either the north or south boundary lines of the subdivision.

Staff has reviewed the request and recommends approval, with conditions, of the preliminary plat as outlined. The Planning Commission reviewed this request at their August 5, 2015 meeting, and after lengthy public input (public hearing process), decided by a split vote (3-2) to recommend denial. The stated reason(s) for the denial recommendation by Donn Williams who made the motion; was that the design (or layout of the lots and streets) of the plat itself was not to his liking; that there is no park or recreation area; that the traffic pattern was insufficient; and that the drainage basin presented on the plat is not large enough.

*It needs to be pointed out, according to state statute, if a proposal for a subdivision meets the standards and requirements as outlined in the zoning regulations and the subdivision ordinance,*

*a vote of approval has to be given. The reasons given in the denial motion are not adequate justifications, just by their lack of clarification alone. Design and layout of any subdivision are, and should be, left to be arbitrary. No park or recreation requirement exist on standard zoning designations and just because The Meadows subdivision has a park (which is actually a necessary drainage basin), does not mean that all surrounding developments must have a park as well. As for the traffic patterns, the attorney for Stucki Farms himself stated that they are required to stub a road from the west and south to allow for access to and from this proposed subdivision parcel. Did everyone think that these required stub roads would not be used to move traffic across them? And finally, the statement about the drainage basin. This absolutely has to be left in the hands of professional engineers to decide what the actual working size should be, not decided in a public hearing by individuals who do not have the expertise.*

The Planning Commission, by a vote of 3-2, recommended denial of the Preliminary plat for the Warner Gateway subdivision to the City Council, based on “configuration of the plat design, lack of a park and recreation, traffic patterns and a larger drainage basin”.

#### Findings

1. The preliminary plat meets the land use designation as outlined in the General Plan Land Use Map for the proposed area.
2. That the preliminary plat conforms to the Zoning and the Subdivision Ordinances as conditioned.

#### Conditions

1. A final drainage study and grading and drainage plan shall be submitted for review and approval prior to moving dirt. Development of the site shall comply with the recommendations of the geotechnical study and drainage study, and improvements for drainage and detention shall be approved by the Public Works Department.
2. A final geotechnical study shall be submitted to the City for review and approval prior to submitting the final plat. All recommendations of the geotechnical study shall be adhered to.
3. Construction drawings for the subdivision and its infrastructure shall be submitted to the City for review and approval prior to the submittal for final plat.
4. The construction drawings shall adequately address prevention of nuisance storm water drainage across lots. If retaining walls are utilized to prevent cross-lot drainage, the developer shall be responsible for installing said retaining walls.
5. At the time of final plat submittal, the following documents shall also be submitted:
  - A. A title report.
  - B. A copy of any deed restrictions, other restrictions, restrictive covenants, architectural controls, or other requirements that may apply to the development (CC&Rs).
6. All detention areas shall be landscaped and all detention and landscaped areas shall be maintained by the property owners and/or homeowners association. A note shall be placed on the plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain the detention and landscaped areas.
7. A final landscaped plan and fencing plan shall be submitted for review and approval prior to the submittal of the final plat. Landscaping and fencing shall be installed prior to the occupancy of the buildings that will be constructed along the landscaped and fenced areas.
8. All landscaping, walls and other structures shall meet sight distance requirements. A note shall be placed on the final plat stating that the City has the right to assess the property owners

and/or homeowners association for failing to maintain sight distance requirements.

9. Driveway locations are to be approved by the Public Works Department.

10. Any proposed blasting for the development of the subdivision requires the submittal of a blasting plan with the construction drawings and issuance of a blasting permit.

11. Only thirty (30) lots will be able to apply for final plat status and be recorded, until the time that alternative ingress/egress roads are made available through development to either the north or the south boundary lines of the subdivision.

12. Post Construction Maintenance Agreement will need to be recorded prior to Final Plat recordation.

Councilman Seegmiller asked for clarification on which area lots had been removed.

Community Development Director Ellerman reviewed the area where the lots were removed and the lot sizes were increased.

Richard Elsmore stated he is a resident in Stucki Farms. The area of land is inconsistent with their parcel. He feels this development should be consistent with where they live. There are walking paths and a park in the Stucki Farms Development. There is an issue of access, with only one road going into the development. The design is not what was recommended by the homeowners in Stucki Farms.

Jim Lilywhite stated he sent an email to all of the Council Members. He suggested a green space and a park for the development. They would like to see trails in the development between Stucki Farms to give them privacy. He reviewed a map where a park could be built on BLM Land if it were purchased by Washington City.

Councilman Seegmiller asked where the trail master plan indicates a trails in this area.

Councilman Staheli noted it would be good to have a trail in the area for children to be able to walk to schools.

City Manager Carter reviewed the proposed Master Plan Trails for this area.

Community Development Director Ellerman clarified the Stucki Farms is a Planned Community Development. This request is not part of the Planned Community but rather a straight zoned parcel. Trails within Stucki Farms, are inter-development trails. The trail Mr. Lilywhite is referring to are actually meandering sidewalks along the 106' right-of way.

Mr. Lilywhite clarified there are no trail east to west.

City Manager Carter explained the canal trail does turn and go east to west.

Mr. Lilywhite stated the green space they are requesting between the two properties would give division between the two developments, and could be a trail. He reviewed the lot sizes within the Stucki Farms Development, and he indicated many of those lots are larger than the ones within the proposal. He feels the developer is asking for too many lots for what they can actually build at this time.

Councilman Seegmiller explained this is a preliminary plat. The final plats generally come before Council in phases. The Council prefers to see the entire development at this stage.

Mr. Lilywhite would like to recommend a larger detention area, which provides 24 hour retention. There could be flooding at any time, and they want to be prepared. He has a concern with all of the future development, and all of the flows will come to a funnel in front of their subdivision.

Mayor Pro-Tem Turek stated he would have the Public Works Director review the stormdrain system.

Mr. Lilywhite reviewed pictures of the Stucki Farms development where they had issues with the boundaries of the development. He would recommend a bermed area along the boundary, and a 70 foot wide strip green strip be installed along the boundary of the property.

Public Works Director Mike Shaw reviewed the map presented by Mr. Lilywhite. Over 90 percent of the arrows on the plan are within Stucki Farms. He briefly reviewed the stormwater drainage in the area. He does not foresee any issues once the storm drainage is completed.

Jen Dutson stated she is a resident at Stucki Farms. She feels the preliminary plat does not show a high standard of living in Washington City. Each community should have something, which makes it great. To have this right next to her, with so little planning, she is concerned about her development. St. George has great parks, and if she takes her kids to a park, she takes them there.

Mayor Neilson stated Washington City has some of the very best parks in the State of Utah. They have been recognized with Best of State awards.

Dick Moffit stated he is concerned because he has lived in a development like this. There are going to be a bunch of kids with no place to play.

Corbin Church he reviewed the changes he has made to the development. He acknowledges Stucki Farms is a phenomenal subdivision. However, he was asked to taper from the Stucki Farms, which has been done. He has shifted the smaller lots towards the Southern Parkway, and away from Stucki Farms. He has clearly stated the detention area will not be just detention, but will also be a park area for the kids in the area. He disagrees this is inconsistent with Stucki Farms. There are varying lot sizes within the Stucki Farms as well. He has looked at the option of putting a protection strip between the development, however, due to varying circumstances, it is not going to work. The detention basin in their plan is sufficiently adequate to meet the needs of the development. He has worked very carefully with Staff to meet all of the standards and criteria. He has also worked very hard to address the concerns with the adjacent property owners.

Councilman Turek asked who owns the property behind this parcel.

Mr. Church stated the property is owned by UDOT.

Councilman Nisson asked if they have looked at having larger lots within this development.

Mr. Church stated he has looked at many options, but unfortunately the development is very expensive to develop due to collapsible soils.

Councilman Turek commented sometimes larger lots are more valuable, which makes up the difference in the price.

Mr. Church stated the problem would be, people are not going to build large grand homes along the southern parkway.

Councilman Nisson asked if Mr. Church feels the development is in harmony with Stucki Farms.

Mr. Church stated he does feel it is in harmony. Stucki Farms has varying lot sizes, and much higher density along the Southern Parkway.

Councilman Staheli stated he through the proposed preliminary plat, and looked at the lot sizes. He reviewed these numbers with Council. There are 82 percent of the lots under 8000 sq. ft. He would like to know if he can explain how he feels there are varying lot sizes with these percentages.

Mr. Church stated he cannot explain anything other than what has been designed. There have been many discussions to take place with Stucki Farms. However, there are many issues involved in this development, and he is competition to Stucki Farms.

Councilman Staheli stated he is elected to look out for what is best for Washington City.

Mr. Church stated it is tough to sell homes along a major corridor. In addition, it is difficult to build homes on collapsible soils. The examples given by Councilman Staheli do not have the same situations as this property. Washington City needs affordable housing, and adjacent to the Southern Parkway is a good area for affordable housing. Nobody is going to want to build an large expensive house along a major corridor.

Councilman Staheli stated he feels when they gave the zoning designation, there was an assumption there would be varying lot sizes.

Councilman Turek stated he remembers the 6000 sq. ft. lots were going to be to accommodate the topography. He appreciates there have been things addressed to help with some of the concerns, but he does not feel it is the quality of project Council had hoped to see in this area.

Carl Larson commented this has been an interesting discussion. He understands the reasoning behind what is being proposed, but he does not feel this is in the appropriate location. As a developer, he is concerned about those who have purchased lots having a development of this scale adjacent. He is not planning to do another access anywhere near Mr. Church's property, so there is not going to be additional access granted to this development. He is not going to allow sewer to go through his property if the development stays the way it is.

Councilman Seegmiller stated he compares Stucki Farms to Coral Canyon. It is difficult for a 34 acre parcel to come in adjacent, and be consistent. This property is extremely difficult to ask



them to be consistent with all of the surrounding uses. One of the things Coral Canyon has done is have their smallest lots next to the big feeder roads, and he realizes this is not part of Coral Canyon, but even with Stucki Farms, you see higher density along feeder roads.

Community Development Director Ellerman stated personally he was not very excited about the R-1-6 zone. However, what softens him the most to the zone is not only the Southern Parkway, but also the Bungalow Project in Stucki Farms. If vacation rentals become a possibility in the Bungalow Project, we are going to have the same feelings and emotions we are having here tonight with an entirely different group of people. If you take everything into consideration on the surrounding properties and developments, the R-1-6 is probably going to be the most feasible.

Councilman Turek stated his biggest issue is the point of access. He does not remember any other development where only one access has been allowed.

Community Development Director Ellerman noted developments where only one access has been allowed up to 30 lots.

Public Works Director Shaw noted we have had many developments come in with only one access for the first phase.

Councilman Nisson asked if the sewer issue can be addressed.

Community Development Director Ellerman stated many times the preliminary plat has to change, but until there is a preliminary plat approved thousands of dollars have to be spent to get to the point of a final plat.

Councilman Seegmiller reviewed what happens after a preliminary plat approval is given. Many items have to be addressed, and thousands of dollars are spent on studies.

Mr. Larson stated they have hundreds of people interested in the bungalows. They have areas designated for owners only, and areas to be used for rentals.

*Councilman Staheli made a motion to close the public hearing. Councilman Seegmiller seconded the motion; which passed with the following roll call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

Councilman Staheli stated he does not know if he feels comfortable moving forward if there is no option for a secondary access.

Councilman Seegmiller stated the City Ordinance does not allow for more than 30 lots without a secondary access. This is a set guideline, and the City Ordinance does the same thing as an agreement would.

Councilman Staheli commented he would like to see a construction access, so all of the equipment does not go through an established community.

Councilman Seegmiller commented he would think the property owners in Stucki Farms would concede to a construction access for their residents. He understands many of the residents issues and concerns and he appreciates them. He also understands the R-1-6 zoning is being clearly conformed to.

*Councilman Seegmiller made a motion to approve a Preliminary Plat for the Warner Gateway, located east of Marlberry at approximately 4600 South with the findings and conditions of Staff and as recommended by the Planning Commission. Councilman Turek seconded the motion; which passed with the following roll call vote:*

<i>Councilman Nisson</i>	<i>Nay</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Nay</i>
<i>Councilman Turek</i>	<i>Nay</i>

*Councilman Turek made a motion to deny a Preliminary Plat for the Warner Gateway, located east of Marlberry at approximately 4600 South based on the access, which is his greatest concern. There has been a precedent set for construction vehicles. In addition, he does not feel the plat presented tonight is keeping with what was discussed when the R-1-6 zone was requested. Councilman Seegmiller seconded the motion; which passed with the following roll call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Nay</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

#### **10. REPORT OF OFFICERS FROM ASSIGNED COMMITTEE**

Mayor Neilson updated Council on his time at the Utah League of Cities and Towns. Washington City was used as an example for the best parks and trails in the State of Utah.

Councilman Seegmiller asked if at a future meeting, Staff and Council could take a look at our Parks Master Plan along with noticing on undeveloped land.

City Attorney Starkey noted when looking at the noticing, keep in mind, there will always be those who feel they should receive a notice, until you get to a point where 1000 ft. radius is not even enough.

#### **11. CITY MANAGER REPORT**

City Manager Carter updated Council briefly on current projects in Washington City.

Mayor Neilson reminded Council of the upcoming Taste of Home event on October 6th at the Community Center.

12. ADJOURNMENT


*Councilman Turek made a motion to adjourn the meeting. Councilman Nisson seconded the motion; which passed with the following roll call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

*Meeting adjourned at 8:58 P.M.*

Passed and approved this 14th day of October 2015.

Attest by:



Danice B. Bulloch, City Recorder



Washington City

  
Kenneth F. Neilson, Mayor